

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

3M COMPANY,)	
)	
Plaintiff,)	
)	
v.)	No. 1:09-cv-909 (AJT/JFA)
)	
CLARCOR AIR FILTRATION)	
PRODUCTS, INC.,)	
)	
Defendant.)	
_____)	

ORDER


A hearing was held on October 9, 2009 on Plaintiff 3M Company's Motion for Preliminary Injunction (Doc. No. 4), 3M Company's Motion to Strike (Doc. No. 44), and Defendant Clarcor's Objections to the Declarations of Laurie Altman, H.E. Burroughs, and Michael McKinney Filed in Support of 3M's Motion for Preliminary Injunction (Doc. No. 32). Upon consideration of the motions, the memoranda and exhibits filed in support thereof, the oppositions and exhibits filed in response thereto, and the oral argument of counsel, for the reasons stated in open court, the Court finds that Plaintiff has failed to make the required showing that: (1) Plaintiff is likely to succeed on the merits of its claims under Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a), that Defendant's claims on its Purolator filter packages are literally false; (2) Plaintiff is likely to suffer irreparable harm in the absence of preliminary injunctive relief; or (3) the balance of equities tips in favor of granting a preliminary injunction. Accordingly, it is hereby

ORDERED that Plaintiff 3M Company's Motion for Preliminary Injunction (Doc. No. 4) be, and the same hereby is, DENIED; it is

FURTHER ORDERED that Plaintiff 3M Company's Motion to Strike (Doc. No. 44) be, and the same hereby is, DENIED; and it is

FURTHER ORDERED that Defendant Clarcor's Objections to the Declarations of Laurie Altman, H.E. Burroughs, and Michael McKinney Filed in Support of 3M's Motion for Preliminary Injunction (Doc. No. 32) be, and the same hereby are, OVERRULED.

The Clerk is directed to forward copies of this Order to all counsel of record.



Anthony J. Trenga
United States District Judge

Alexandria, Virginia
October 9, 2009